

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No.	SACV 24-01220-FWS (DFMx)	Date	October 8, 2024
Title	Michael Harrison v. El Cabrito et al		

Present: The Honorable FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE

Melissa H. Kunig
Deputy Clerk

Not Reported
Court Reporter

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION

“[I]t is the plaintiff’s responsibility to move a case toward a merits disposition.” *Thomas v. Kernan*, 2019 WL 8888200, at *1 (C.D. Cal. July 10, 2019) (citing *Morris v. Morgan Stanley & Co.*, 942 F.2d 648, 652 (9th Cir. 1991)). That includes, where applicable, promptly pursuing Rule 55 remedies upon the default of any defendant.

Here, Plaintiff has obtained default against Defendant(s), but has taken no further action. Accordingly, the Court, on its own motion, hereby **ORDERS** Plaintiff to show cause in writing no later than **October 15, 2024**, why this action should not be dismissed for lack of prosecution. As an alternative to a written response by Plaintiff, the Court will consider as an appropriate response to this OSC the filing of one of the following on or before the above date:

1. A Motion for Default Judgment (Fed. R. Civ. P. 55(b)) as to *all Defendants*, or
2. A Notice of Voluntary Dismissal (Fed. R. Civ. P. 41) as to *all Defendants*.

No oral argument of this matter will be heard unless ordered by the court. The Order will stand submitted upon the filing of a timely and appropriate response. Failure to file a timely and appropriate response to this Order may result in dismissal without further notice or order from the court. See Fed. R. Civ. P. 41(b); L. R. 41-6; *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962) (“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.”); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.”); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) (“It is within the inherent power of the court to sua sponte dismiss a case for lack of prosecution.”).

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